

**TOWN OF ELSMERE
PLANNING COMMISSION
MEETING MINUTES**

**June 7, 2011
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

Commissioner Lindell – Present
Commissioner Sheldon – Present
Commissioner Anderson – Present
Commissioner Swain – Present
Commissioner Woodward – Present
Commissioner Russo - Present
Chairman Backer – Present

At this time, nominations for the Chairman of the Planning Commission took place.

Chairman Backer nominated Commissioner Lindell for Chairman.

Commissioner Lindell nominated Commissioner Swain for Chairman.

No other nominations were made.

ACTION: Commissioner Russo made a motion to accept the nominations as presented.
Commissioner Anderson seconded the motion.

VOTE: All in favor 7-0 Motion carried

At this time, voting for the 2 candidates took place. The voting went 5-2 in favor of Commissioner Lindell. Commissioner Lindell was then pronounced Chairman of the Planning Commission.

At this time, nominations for the Secretary of the Planning Commission took place.

Chairman Lindell and Commissioner Sheldon nominated Commissioner Backer for Secretary.

No other nominations were made, and therefore, Commissioner Backer was then pronounced Secretary.

PUBLIC COMMENT:

None

APPROVAL OF MINUTES:

Approval of the Minutes from the April 5, 2011 and the April 19, 2011 Planning Commission Meetings

ACTION: Commissioner Backer made a motion to approve the Minutes from the April 5, 2011 and the April 19, 2011 Planning Commission Meetings as transcribed. The motion was seconded by Commissioner Russo.

VOTE: All in favor 7-0 Motion carried

NEW BUSINESS:

Review of Petition #11-6 Tax Parcel 1900-200-286

Dan Lysinger and Vince Papa introduced themselves as the owners of the property at 2204 Rodman Rd.

Erendida Rosales introduced herself as the tenant at 2204 Rodman Rd. She stated that she was applying to open an auto-repair business at the property. Commissioner Sheldon asked if she was going to be conducting any auto-body repair at the business.

Mrs. Rosales stated that they would not and would only be doing automotive repair and service at the business.

Commissioner Backer stated that the property is located in the Flood Zone and asked what the owner or tenant would do to remediate any problems that have been there in the past.

Mr. Lysinger stated that there was extensive work done to remediate the issues, but did not specify.

Commissioner Backer asked what hardships would be endured if the petition were not approved.

Mrs. Rosales stated she could not find another location in the town.

Commissioner Anderson asked if she was planning to store any vehicles outside the building.

Mrs. Rosales said maybe 3-4 vehicles at a time.

Commissioner Backer asked if the business becomes successful and starts generating more traffic and storage of more vehicles, how is the issue of security and storage.

Mr. Lysinger said that they would like to rent out the other side of the building to Mrs. Rosales if her business grows and needs more space.

Mr. Papa stated that the property was fenced in on 3 sides at the moment, and will eventually be enclosed by a fence in the front as well, but is having issues with funds.

Commissioner Sheldon asked if there have been any problems with vandalism at the property in the past.

Mr. Lysinger said they have not.

Chairman Lindell inquired about the level of noise that is expected to be coming from the business.

Mr. Lysinger said it should be minimal.

Mrs. Rosales stated the hours of operation would be from 9am to 7pm.

Code Officer Swift stated there were concerns with the storage of vehicles.

Mrs. Rosales said that they would only have 3 to 4 vehicles at a time and would store them inside if possible.

Councilman Jaremchuck stated that he received no negative correspondence or comments regarding the petition.

ACTION: Commissioner Backer made a motion to recommend denial of Petition 11-6 stating approval of the petition would go against the Comprehensive Plan. There was no second to the motion. The motion dies.

ACTION: Commissioner Anderson made a motion to recommend approval of Petition 11 under the condition they meet all FEMA Flood Zone requirements.

VOTE: All in favor 6-1 Motion Carried

Review of Petition #11-7 Tax Parcel 1900-200-115

James Leone introduced himself as the owner of the property at 310 S. Gray Ave.

He stated his fence has been up for over 2 years and has never received any complaints. He went on to say that, before putting up the fence, he spoke with a person in the Code Office about it. He stated he was told he needed no permit and could do the project as submitted. He said he one of the reasons for the fence was to deter children from cutting across his property in the back yard. The main reason, he stated, was that his former brother-in-law, that had once “violated” his grand-daughter, lives 2 doors down from him and he would rather not see him when he looks out his window or walks out the door. He stated he does not have the money at this time to take down or alter the fence. His wife said they tried to sell the house before and there were no buyers.

Commissioner Sheldon asked if Mr. Leone believes the main reason he stated for the fence is a hardship.

Mr. Leone said yes.

Commissioner Russo asked if Mr. Leone has any record of the decision made by the code office the day he inquired about the construction of the fence.

Mr. Leone stated he does not.

Commissioner Backer asked if he asked if she was qualified to answer the questions he was asking.

Mr. Leone stated he asked if she knew what she was talking about and was told she did.

Commissioner Anderson asked if they had gotten an estimate on the job of lowering the height of the fence.

Mr. & Mrs. Leone stated they did not.

Commissioner Swain asked how much of the fence would have to be lowered on the sides of the front yard.

Mr. Leone said about 25 feet on each side, for a total of 50 feet.

Chairman Lindell read the letter sent by a resident opposing the petition. (Exhibit 1-1 Petition 11-07)

Councilman Jaremchuk stated he, himself, had not received any negative comments regarding the petition.

ACTION: A motion was made by Commissioner Russo recommending approval of Petition 11-7. The motion was seconded by Commissioner Woodward.

VOTE: All in favor 6-1 Motion Carried

Review of Petition 11-8 Tax Parcel 1900-200-141

Pete Irwin introduced himself as the owner of Irwin Landscaping. He stated he intends on using the property at 500 S. Colonial Ave. for storage for his landscaping business.

Commissioner Swain asked what he would be storing there.

Mr. Irwin said they would store plants, trucks, and mulch. He said he didn't quite understand why they had to come in front of the Planning Commission because it's located in a CC Zone and Landscaping is allowed there.

Code Officer Swift stated that it is allowed, but the use is substantially different than what the previous use was and he felt it should be brought in for review by the Planning Commission.

Commissioner Swain asked what the bins would be made of for the mulch they intend to store there. He also asked what the Hoop House, used for storing the plants, would be made of.

Mr. Irwin said the bins would be wood, and the Hoop House would be constructed with corrugated steel and covered in plastic.

Commissioner Backer asked if the employees drive the company vehicles, or take their own vehicles to and from work.

Mr. Irwin stated they use their personal vehicles and park in the back area of the lot.

Commissioner Anderson asked what material the ground consisted of in that area.

Mr. Irwin said crush and run.

Councilman Jaremchuk stated he received no negative comments or correspondence regarding the petition.

ACTION: A motion was made by Commissioner Backer to approve Petition 11-8. The motion was seconded by Commissioner Anderson.

VOTE: All in favor 7-0 Motion Carried

Review of Petition 11-9 Tax Parcel 1900-800-367

James Bowman introduced himself and announced he is there to represent the Delaware Rifle and Pistol Club. He also introduced Mr. Alan Silverman as the project manager.

Commissioner Backer asked if they are an active organization partnered with the NRA.

Mr. Bowman stated they require all of their members to be members of the NRA.

Commissioner Sheldon asked if they plan to store any ammunition.

Mr. Bowman said they do not store ammunition or firearms on the site and are not a commercial operation that is open to the public.

Commissioner Swain asked if they will be replacing all 3 of the storage sheds they have.

Mr. Bowman stated they will be replacing the one that is in bad shape right away, then will replace the others at a later time.

Commissioner Backer asked where the idea of 1500 square feet come from.

Mr. Silverman stated that it gives them 10 feet of flexibility on each side.

Councilman Steven Burg stated he did not receive any communication for or against the petition.

Code Officer Swift stated the only concern he had was compliance with FEMA regulations.

Town Manager Giles said there must be a hardship proven in order to approve the petition.

Commissioner Backer asked what hardship would be endured if the petition was not approved.

Mr. Bowman stated that they would be stuck with a storage shed. He went on to say that the materials they need to store they cannot store in the existing building due to lack of space.

Mr. Silverman stated that they carry out many operations under the one roof and could use the sheds to store records and such to open up space for the activity inside the main building.

ACTION: A motion was made by Commissioner Backer to recommend approval of Petition 11-9. The motion was seconded by Commissioner Russo.

VOTE: All in favor 7-0 Motion Carried

OLD BUSINESS:

Review of the Comprehensive Plan

Town Manager Giles stated that he was not prepared to discuss any further actions in regards to the Comprehensive Plan.

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

ACTION: A motion was made by Commissioner Russo to adjourn into an Executive Session, and not to return to the public, for the purpose of discussing legal and personnel matters. Commissioner Backer seconded the motion.

VOTE: All in favor 7-0 Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the June 7, 2011 Planning Commission Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

CHARLES LINDELL, CHAIRMAN

LEON BACKER, SECRETARY